STANDARD FORM NO. 64

CONFIDENTIAL

Office Memorandum · UNITED STATES GOVERNMENT

TO : L - Mr. Phleger

DATE: December 14, 1956

FROM : L/E - Stanley D. Metzger

SUBJECT: Proposed Military Assistance Agreement with Libya

NEA is requesting Department Circular 175 authorization from the Secretary for the negotiation with Libya of an agreement concerning the furnishing of military assistance. The proposed agreement does not commit the United States to furnish any specific quantity of aid, and provides that "[t]he furnishing of ... assistance by the Government of the United States pursuant to this Agreement will be subject to the terms, conditions and termination provisions of the Mutual Security Act of 1954, acts amendatory or supplementary thereto, appropriation acts thereunder, or any other applicable legislative provisions ...."

Military assistance is authorized by section 102 of the Mutual Security Act of 1954, as amended. This section provides, in pertinent part:

> "Military assistance may be furnished under this chapter on a grant or loan basis and upon such other appropriate terms as may be agreed upon, by the procurement from any source and the transfer to eligible nations and international organizations of equipment, materials, and services ..."

The requisites of eligibility are set out in section 141 of the Act, which provides, in pertinent part:

> "No assistance shall be furnished to a nation unless it shall have agreed to the provisions required by section 142, and such additional provisions as the President deems necessary to effectuate the policies within the provisions of this title and to safeguard the interest of the United States."

The proposed agreement contains the assurances required by section 142, as well as the standard provisions which are ordinarily contained in military assistance agreements.

In light

DEPARTMENT OF STATE
REVIEWED BY G.M. Razi DATE May 6, 1982
RDS ☐ or XDS ☐ EXT. DATE
TS AUTH. / REASON(S) CONFIDENTIAL
ENDORSE EXISTING MARKINGS ☐
DECLASSIFY / DOWNGRADE ☐
RELEASE ENTIRE ☐
PA or NOT EXCEPTIONS

711.5-MSP/12-1456

DECLASSIFIED

In light of the statutory authority cited above, I consider that the proposed agreement, which would not appear to affect internal law in the United States, may properly be entered into as an executive agreement.

NEA is also requesting that the Assistant Secretary for NEA, or his deputy, be authorized (a) to approve the final text and authorize its signature, subject to the concurrence of L to any changes, and (b) to request the Embassy, in case a reply note is exchanged which is not in English, to prepare and transmit to the Department a complete translation of the Libyan note and a memorandum signed by a responsible officer certifying that the translation is accurate in all substantive respects.

L:L/NSA:JBRehm:gn

0914150134